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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,741	11/03/2004	Toshiro Miyazaki	2004-1092A	4568
52349 7590 03/31/2009 WENDEROTH, LIND & PONACK L.L.P. 1030 15th Street, N.W. Suite 400 East Washington, DC 20005-1503				
EXAMINER				
LEE, JOHN W				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### **Attachment to Advisory Action**

The applicant argues that KODAK DC280 does not have the function of image cropping means. However, KODAK DC280 has the digital zooming function. It is well known in the art that digital zooming is accomplished by cropping an image down to a centered area with the same aspect ratio. For more detail, the applicant refers to [http://en.wikipedia.org/wiki/Digital\\_zoom](http://en.wikipedia.org/wiki/Digital_zoom), which explains about digital zoom.

Furthermore, the applicant discloses that the switching means selects either a compressed picture or a cropped picture in the response. However, the examiner wants the applicant to go back and read the claims. In claim 1, it is recited that the switching means is for selecting at least one of the cropped image generated by the image cropping means and the compressed image generated by said image compression processing means. In other words, switching means is not for selecting between two options. So, all the arguments related with the switching means cannot be valid.

Finally, the applicant argues that there is no disclosure or suggestion in Kodak and Park in the prior art of record which would have caused a person of ordinary skill in the art to modify Kodak and Park to obtain the invention of independent claim 1. It is not true. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize Park's apparatus in KODAK DC 280 to suit for converting more than two modes such as a zoom-up mode and a wide mode as suggested by Park (col. 1, lines 62-65). Moreover, the MPEP 2143 discloses that "the Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. \_\_\_, \_\_\_, 82 USPQ2d 1385, 1395-97 (2007) identified a number of rationales to support a conclusion of obviousness which

are consistent with the proper "functional approach" to the determination of obviousness as laid down in Graham. The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in KSR noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit." In addition, MPEP 2143 discloses the exemplary rationales that can support a conclusion of obviousness. So, it would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use Park's invention in KODAK DC 280 to use a known technique to improve similar devices (methods or products) in the same way.

Therefore, the examiner states that the prior art cited by the examiner is good enough to read on the claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN Wahnkyo LEE whose telephone number is (571)272-9554. The examiner can normally be reached on Monday - Friday (Alt.) 7:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samir Ahmed can be reached on (571) 272-7413. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Wahnkyo Lee/  
Examiner, Art Unit 2624

\_ /Samir A. Ahmed/  
Supervisory Patent Examiner, Art Unit 2624